



Attorney's Docket No.: 17075-003004 / 102D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gholam-Reza Zadno-Azizi, et al. Art Unit : 3738
Serial No. : 10/081,569 Examiner : Urmi Chattopadhyay
Filed : February 21, 2002 Conf. No. : 4156
Cust. No. : 20985
Title : BODY FLUID FLOW CONTROL DEVICE

MAILSTOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Pursuant to 37 C.F.R. § 3.73(b), EMPHASYS MEDICAL, INC., certifies that it is the assignee of the entire right, title, and interest in the above-referenced application by virtue of an assignment from the inventors of the patent application referenced above. The assignment was recorded in the Patent and Trademark Office at Reel 013789 Frame 0414 on February 27, 2003. EMPHASYS MEDICAL, INC. also certifies that it is the assignee of *U.S. Patent Nos. 5,954,766 and 6,632,243*.

The undersigned has reviewed all the documents in the chain of title of the above-referenced application and to the best of undersigned's knowledge and belief, title is in EMPHASYS MEDICAL, INC..

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. §1.321(b), and to obviate a double patenting rejection, the assignee referenced above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of, provided that any patent granted on the above-referenced application shall be enforceable only

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

10/27/2005 HDESTA1 00000019 10081569

02 FC:2814

65.00 OP

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/24/05

Date of Deposit

Signature

Karia Zavala

Typed or Printed Name of Person Signing Certificate

Applicant : Gholam-Reza Zadno-Azizi, et al.
Serial No. : 10/081,569
Filed : February 21, 2002
Page : 2 of 2

Attorney's Docket No.: 17075-003004 / 102D
Terminal Disclaimer

for and during such period that it is commonly owned with *U.S. Patent Nos. 5,954,766 and 6,632,243*.

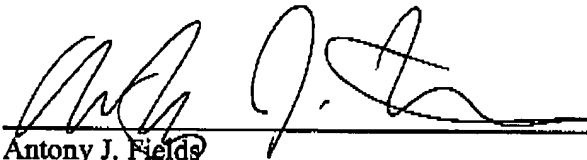
The assignee referenced above does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of *U.S. Patent Nos. 5,954,766 and 6,632,243* in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of *U.S. Patent Nos. 5,954,766 and 6,632,243*.

This disclaimer runs with any patent granted on the above-referenced application and is binding upon the grantee, its successors or assigns.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 17075-003004.

Respectfully submitted,

Date: 10/20/05


Antony J. Fields
Emphasys Medical Inc.
Title: Vice President Research & Development

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (202) 626-7796